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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,675

12/29/2005

Koichi Oka

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EXAMINER

LAM, VINH TANG

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

06/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,675	Applicant(s) OKA ET AL.	
	Examiner VINH T. LAM	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/09/2009, 04/08/2009, 06/25/2007, & 12/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group VII (Claim 16) in the reply filed on 04/19/2010 is acknowledged.
2. Claims 1-15 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups I-VI, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/19/2010.

Claim Rejections - 35 USC § 112

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim **16** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of Claim **16** "...observing ***the moving velocity***, on the detection screen, ***of the test pattern image thus captured...***" is not clear.

Does "...observing ***the moving velocity***, on the detection screen, ***of the test pattern image thus captured...***" mean

to determine *the moving velocity of the test pattern image* or
to capture *the test pattern image*?

The above limitation is not only contrary but also redundant to *Step (1)* because respectively:

“...*the test pattern* is moved... at a *predetermined velocity*...” and
“...*capture* an *image* of the *test pattern*...”

To further advance prosecution, the Examiner interprets “...observing *the moving velocity*, on the detection screen, *of the test pattern image thus captured*...” as “...observing *the moving velocity*...”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim **16** is rejected under 35 U.S.C. 102(b) as being anticipated by **KANAZAWA et al. (JP 2001054147 (already of record))**.

Regarding Claim **16**, **KANAZAWA et al.** teach a screen motion image quality measuring/evaluating method of measuring and evaluating, based on the movement of a test pattern displayed on the screen of a display device to be evaluated,

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the quality of a motion image on the screen ([0001], [0016], DWG. 1), the method comprising the steps of:

(1) capturing an image of the test pattern more than once ([0024], DWGs. 3a-3c) while the test pattern is moved ([0022], DWG. 2, i.e. 20) on the screen ([0022], DWG. 2, i.e. 2a) at a predetermined velocity ([0022], [0023], DWG. 2, i.e. "...the picture is moving continuously at a constant speed...") and while the visual field ([0022], DWG. 2, i.e. 2a) of an image sensor ([0019], DWG. 1, i.e. 5) is fixed ([0022], DWG. 2, i.e. 20);

(2) observing the moving velocity, on the detection screen, of the test pattern image thus captured ([0026], DWG. 1, i.e. "... (picture 20) ...inputted into the picture sensing device 5..."); and

(3) calculating and determining the moving velocity of the image sensor visual field ([0026], DWG. 1, i.e. "...roll control signal C) corresponding to the moving velocity of the test pattern image on the detection screen ([0022], DWG. 2, i.e. 20), and evaluating the quality of a motion image on the screen based on the image of the test pattern captured at the velocity thus determined ([0045], DWG. 2).

Conclusion

The prior art(s) made of record and not relied upon (is)/are considered pertinent to applicant's disclosure: KONDO, ISAO et al. (JP 2001042845 A).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571) 270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4704.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629